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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Jian TAO and Shuo PENG

Group Art Unit: 1713

Serial No: 10/607,499

Examiner: **Peter Mulcahey**

Filed : June 27, 2003

For : **PVC BASED MEDICAL GLOVES AND
FORMULATIONS THEREFOR**

RESPONSE AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In the final rejection dated October 7, 2005, the Examiner rejected claims 7, 9 and 10 as being unpatentable over Biesiada et al. or Lang et al. or Ohachi. Claim 1 was further rejected as unpatentable over either of these three references in view of Nishi. The Examiner stated that the formation of gloves is obvious from the Nishi patent. The Examiner also rejected claims 3, 4, 13 and 15 as being unpatentable over these three references in view of Tada and Nishi. The Examiner relied upon Tada for showing a crosslinking agent and again maintained that the formation of gloves remained obvious from Nishi et al. The applicant respectfully traverses.


In each of the rejections, the Examiner states that the limitation of plasticizers does not render the patented claims patentable and states that it is a known plasticizer that has been used in PVC materials. The Examiner concluded that it would be obvious to use the plasticizer in the composition. However, the Examiner does not rely upon any evidence for the statements that the plasticizer is a known plasticizer used in PVC materials. Without any reference disclosing this plasticizer, the Examiner has failed to establish a *prima facie* case of obviousness. Applicant

respectfully requests that the Examiner provide evidence that the plasticizer is known so that applicant can fully consider the merits of a rejection based on obviousness, taking into account the full disclosure of any teaching reference.

It is only with a properly motivated rejection of obviousness that applicant can assess the merits of a rejection. Without evidence for the statement that the plasticizer is known in the PVC material, applicant maintains that the claims are allowable over the prior art.

If any fees are due and owing, the Commissioner is authorized to charge Deposit Account No. 08-2455.

Respectfully submitted,


Christopher J. McDonald
Reg. No. 41,533

Mitchell, Silberberg & Knupp, LLP
11377 West Olympic Boulevard
Los Angeles, California 90064-1683
(310) 312-3111

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